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The Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District Of New York
500 Pearl Street
New York, N.Y. 10007

January 4, 2021

Re: Fincher v. City of New York; et al.
19-CV-6206 (MKV)

Dear Judge Vyskocil,

I am in receipt of Defendants' motion to deem its pending motion for summary judgment, fully briefed.

Plaintiff is mindful of the Court's briefing schedule; however, I've run into some unexpected hurdles. First, I lost my USB flash drive, which had a lot my rough drafts on along with very important caselaw. I've have to now go back and start over again from scratch, and I'm now only halfway through my final draft.

Second, I've started a new job as a paralegal at the Bogoraz Law Group, which is located in Sheepshead Bay. My commute is two hours in each direction; and in addition to this, in the one month since I've been at this firm, we've had an enormous amount of employee turnover. Not only did I have to learn a new system and software, but then I've had to teach new employees the system, as well as sign up new clients, and respond to opposing firms' discovery demands.

Finally, I do not have access to a legal database such as LEXIS Nexis or WestLaw. The only place that had any legal database was the public library on 160 Madison Avenue. Due to the ongoing Covid crisis, the library has remained closed. Unfortunately, I do not have the luxury of having a law clerk, secretary, and support staff to help me task a massive undertaking that involves opposing a Rule 56 motion.

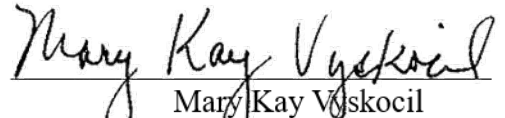
Thus, I respectfully request a two-week extension from todays date in order to submit my opposition to the Defendants' motion for summary judgment. While I understand the Defendants as well as the Court's eagerness to resolve this issue, it is my submission that the Court allow this issue to be resolved on the merits, as opposed to the Defendants' wanting to absolve themselves of blame in this action on a technicality.

See, 38 Holding Corp., v. City of New York, 179 AD2d 486, 487, 578 NYS2d 174 [1st Dept. 1992].

I thank the Court for its time and consideration in this matter.

Plaintiff's request for an extension of time is GRANTED. Plaintiff shall respond to Defendants' motion for summary judgment by January 19, 2021. Defendants' request that the Court deem their motion unopposed [ECF #75] is DENIED. The Clerk of Court is respectfully directed to terminate the letter motion pending at docket entry 75.

Date: January 5, 2021
New York, New York


Mary Kay Vyskocil
United States District Judge

Respectfully Submitted,


Sean Fincher

To: The City of New York Law Dept.
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